



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 24 2012

REPLY TO THE ATTENTION OF:
WC-15J

CERTIFIED MAIL 7009 1680 0000 7669 4551
RETURN RECEIPT REQUESTED

Mr. Brandon Walker
KCBX Terminals Company
3259 East 100th Street
Chicago, Illinois 60617

Subject: Wet Weather/Storm Water Associated with Industrial Activity
Information Request Pursuant to Section 308 of the Clean Water Act 33 U.S.C. §1318
Docket No. V-W-12-308-38

Dear Mr. Walker:

Protecting water quality is a high priority of the U.S. Environmental Protection Agency. Pollutants discharged to waterways from storm water contribute to poor water quality and impairment of uses of those waterways.

As authorized by the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating storm water discharges associated with industrial activity. Non-point sources, such as storm water, have the potential to discharge pollutants into waters of the United States. This request seeks information to identify the operations on, and classification of KCBX Terminals Company's facilities along the Cal Sag Channel and the Chicago Sanitary and Ship Canal.

EPA is authorized under Section 308 of the CWA, 33 United States Code (U.S.C.) § 1318, to require reports and other information necessary to carry out the purpose of the CWA. Accordingly, pursuant to Section 308 of the CWA, you are directed to provide EPA with the information requested in the enclosure.

Please submit the information requested in the accompanying documents with a statement certifying that all representations contained therein are true and accurate to the best of your

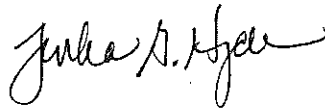
knowledge and belief using the certification language provided. Any questions that do not directly relate to your operations can be addressed with "not applicable" and a brief explanation. Please exercise care to assure that responses are complete and accurate, because Section 309(c)(2) of the Act, 33 U.S.C. § 1319(c)(2), provides for the imposition of criminal penalties where false information is knowingly provided to EPA.

Please respond in writing with the information requested in the enclosure, within 30 days, with copies to:

U.S. Environmental Protection Agency, Region 5
Water Enforcement and Compliance Assurance Branch, (WC-15J)
77 West Jackson Blvd.
Chicago, Illinois 60604-3590
Attention: Jeremy Deyoe, Environmental Engineer

Thank you for your cooperation in this matter. Should you have any questions, please call Jeremy Deyoe of my staff, at (312) 353-8512.

Sincerely,

A handwritten signature in black ink, appearing to read "Tinka G. Hyde", written in a cursive style.

Tinka G. Hyde
Director, Water Division

Enclosure

cc: Roger Calloway, Illinois Environmental Protection Agency
Terry Steinert, Koch Carbon, LLC

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	Docket No. V-W-12-308-38
)	
KCBX Terminals Company)	
3259 East 100 th Street)	Proceeding under Section 308(a) of
Chicago, Illinois 60617)	the Clean Water Act, as amended,
)	33 U.S.C. § 1318(a)
)	

INFORMATION REQUEST

I. STATUTORY AUTHORITY

The U.S. Environmental Protection Agency (EPA) is issuing this Information Request to KCBX Terminals Company (you) pursuant to the authority vested in the Administrator of EPA by Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a). The Administrator has delegated this authority to the Regional Administrator of EPA, Region 5, who has re-delegated this authority to the Director of the Water Division, EPA Region 5.

II. INSTRUCTIONS

1. You must respond to this Information Request within 30 calendar days of its receipt. Submission instructions are in Section V of this Information Request.
2. You must respond separately to each of the requests. Where a "yes" or "no" answer is requested, you may provide additional information, if desired. Precede each answer with the number of the request to which it corresponds. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the request to which it corresponds.
3. If you do not have documents responsive to a particular request, state in your written response that you do not have responsive documents.
4. You must keep the reports and all records reviewed or generated in the course of responding to this Information Request until EPA informs you in writing that you are no longer required to keep the reports and records, or for three years, whichever is sooner.

III. DEFINITIONS

1. "Day" or "days" shall mean a calendar day or calendar days. In computing any period of time under this Information Request, where the last day would fall on a Saturday, Sunday, or federal or state holiday, the period shall run until the close of the next business day.

2. "Facility involved in industrial activity" is an area (except access roads and rail lines) with material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery.
3. "Hazardous waste" is a waste that meets all the Resource Conservation and Recovery Act criteria to be a hazardous waste.
4. "Record" or "records" shall mean any recording of information in tangible form. It includes, but is not limited to, documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, emails, computer files, computer printouts, and computer databases.
5. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
6. "You" for purposes of this Information Request refers to KCBX Terminals Company and to any agents, employees, contractors, or other entities that performed work or acted in any way on behalf of, or at the direction of, KCBX Terminals Company.

IV. REQUESTS

1. Provide the name and physical address for all facilities owned or operated by KCBX Terminals Company, for which any part of the facility is within 0.25 miles of the Chicago Sanitary and Ship Canal or the Cal-Sag Channel, and is located east of -88.258667° Longitude.

Answer questions 2 – 13 separately for each facility identified in question 1.

2. Provide an aerial photograph of each facility with the facility's boundaries identified on the aerial photograph.
3. Provide the name, mailing address and phone number for a company contact who is responsible for managing or operating the facility.
4. Provide a complete description of all industrial activities that occur on site including but not limited to the identification of materials, processes, and operations.
5. Provide all applicable Standard Industrial Classification (SIC) code(s).
6. If the facility is classified as a transportation facility (SIC 40, 41, 42, 43, 44, 45, 5171):
 - a. Is vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or airport deicing operations conducted at the facility?
 - b. Identify on a map all areas where vehicle maintenance or equipment cleaning is performed.

7. Provide a facility diagram that shows all storm water flow including but not limited to:
 - a. Storm water runoff direction for each area of the facility.
 - b. All discharge points where storm water leaves the facility, including to storm sewers or publically owned treatment works.
 - c. Identification of any storm water treatment systems.
8. Provide a complete narrative to accompany the facility diagram in Question 7 that includes, but is not limited to, descriptions of:
 - a. Storm water flow.
 - b. Storm water treatment.
 - c. Description of flow at each outfall (sheet flow, ditch, pipe, etc.)
9. Provide a copy of any storm water management plan, if applicable.
10. Provide a copy of all current NPDES permit(s) including those for process wastewater and/or storm water.
11. Have you ever submitted a notice of intent (NOI) to be covered under the general storm water permit to the Illinois Environmental Protection Agency? If yes, please provide a copy.
12. Provide a copy of any no exposure certifications.
13. Does the facility treat, store, or dispose of hazardous waste?
14. Does the facility store or handle coal?

V. SUBMITTALS

1. Please submit your response to this Information Request within 30 days of your receipt of the Information Request to:

Water Enforcement and Compliance Assurance Branch (WC-15J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604
Attention: Jeremy Deyoe, Environmental Engineer

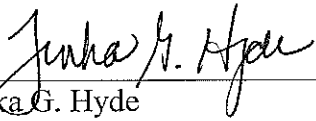
2. You must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that this response and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who

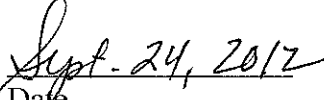
manage the system, or those person(s) directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations.

3. If you find at any time after submitting information to EPA that any portion of the submittal is false or incorrect, you must notify EPA immediately. Knowing submittal of false information to EPA in response to this Information Request may subject you to criminal prosecution under Section 309(c) of the CWA, 33 U.S.C. § 1319(c), and 18 U.S.C. §§ 1001 and 1341.
4. You may not withhold information because you claim it is confidential. However, pursuant to 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality regarding any portion of the information submitted in response to this Information Request, as provided in 40 C.F.R. § 2.302(a)(2). The regulations provide that a person may assert a business confidentiality claim covering part or all of the information furnished to EPA when that person submits the information. The manner of asserting such claims is specified in 40 C.F.R. § 2.203(b). Effluent data (as defined in 40 C.F.R. § 2.302(A)(2)) and information in NPDES permit applications is not entitled to confidential treatment. 40 C.F.R. § 122.7. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If you do not assert a claim of business confidentiality when you submit the information, EPA may make the information available to the public without further notice.
5. This Information Request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.
6. EPA may use the information submitted in response to this Information Request in an administrative, civil or criminal action.
7. Neither the issuance of this Information Request by EPA nor your compliance with this Information Request relieves you of liability for any penalty, fine, remedy or sanction authorized to be imposed pursuant to Section 309(b), (c), (d), or (g) of the CWA, 33 U.S.C. § 1319(b), (c), (d), or (g), including but not limited to those related to any violations addressed by this Information Request. EPA specifically reserves the right to seek any of the remedies specified in Section 309(b), (c), (d), or (g) of the CWA, 33 U.S.C. § 1319(b), (c), (d), or (g).
8. There can be significant civil or criminal penalties for failing to adequately respond to requests for information issued under the Section 308(a) of the CWA, 33 U.S.C. § 1318(a).

9. Please contact Jeremy Deyoe of my staff by telephone at (312) 353-8512, or via email at deyoe.jeremy@epa.gov, if you have any questions about this Information Request.



Tinka G. Hyde
Director, Water Division
U.S. Environmental Protection Agency, Region 5



Date